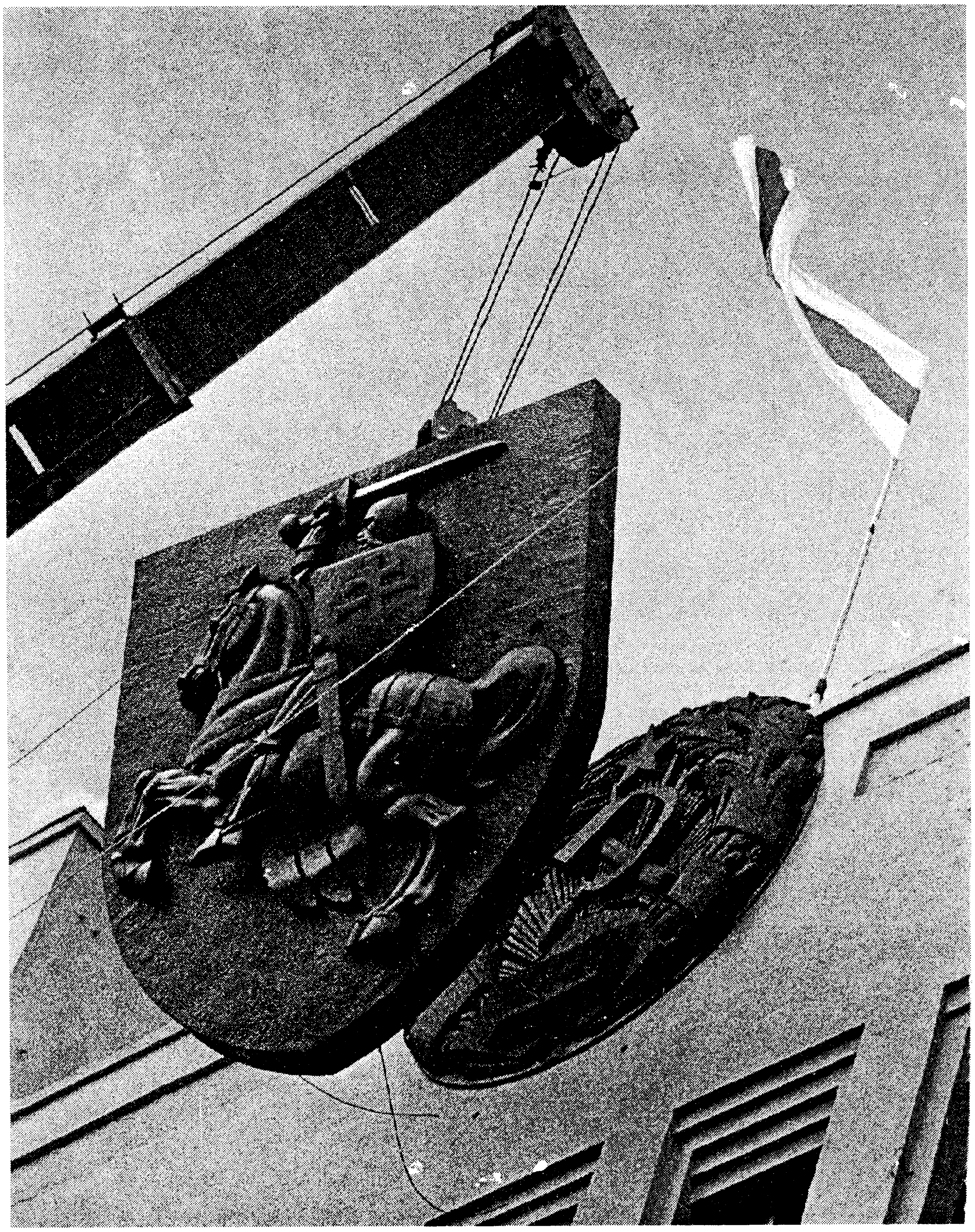
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The Right of Freedom

The Bulletin of the Human Rights Centre "Spring '96"



IT'LL BE AS IT HAS BEEN BEFORE

8 YEARS HAVE PASSED SINCE BELARUS GAINED ITS NEW INDEPENDENCE.

IHistory of any nation is struggle for its sovereign state and protection of its independence. Today, every nation, even the most powerful one on its way to development has gone through this stage. History of the Belarusan people is also struggle for its own state system and independence. However, it happened that having lost its independence almost 200 years ago, when the Russian Empire joined towards itself all the Belarusan territory, our people had not virtually had a state of their own until 1990-s.

(Please see page 3)

CHRONICLE

June 23 – a secondary-schoolboy and Dz.Knysh, student of the University of Berestye were glueing leaflets at night in the town of Dragichyna, District Berestye. The local KGB conducted an investigation and identified them. At the moment they are being under psychological and moral pressure.

June 25 – the authorities of Mahileu city banned a picket, which the independent trade unions attempted to organize in protest against deterioration of living conditions and rise in consumer prices.

June 25 – mothers and wives of the Belarusan political prisoners received a letter from the US President's wife – Hilary Clinton in which she said: "Deterioration of the situation with human rights causes anxiety for everyone who worries about preservation of individual and family rights for normal, safe and unrestricted conditions of living.

June 27 – 5 people were detained by the militia for carrying the European Union's Flag during a rock-concert in Gorky Park, Mensk. All the detainees were under age: Raman Shkor (12 years old), Zmitser Vas'kovich, Styapan Kul'chanka, Ales' Yatsuk. Yaugen Afnagel' was beaten by the militia batons for carrying the national "white-red-white" flag.

At the beginning of July newspaper "Naviny" (News) informed that Mahileu City Executive Council refused without reason to register local department of the Belarusan Journalist Association.

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"THIS DAY WILL COME..."

So, the day of discharge will come by all means, but so far the Commission on early prisoner's discharge has announced its verdict that political prisoner Alyaksei Shydlouski would stay behind bars till the end of his sentence.



Member of "Youth Front" Alyaksei Shydlouski, convicted in February to 1,5 years imprisonment in a colony of strict regime will serve his sentence till the end – February 1999. This decision was taken by the Commission on early prisoner's discharge on 30 July.

The chance of being discharged earlier than appointed sentence in prison is offered to convicts by a prison's administration only in cases when a crime they have committed is not considered to be a heavy one or they have served at least 2/3 of their sentence in prison provided that they have displayed exceptional behavior during that time. Thus, it is a matter of guess work to find out what exactly in Alyaksei Shydlouski's behavior does not satisfy his supervisors. What could it be then?

According to the correspondent of the Bulletin "The Right for Freedom", Alyaksei Shydlouski displeased the prison's administration by writing poetry at the time of his imprisonment in the "Valadarka" and later in the colony №1 based in Kalvaryiskaya street, Miensk. In the colony of strict regime where A.Shydlovski is doing his time now he has been threatened to be charged for his poetry with Articles 67 and 68 of the Criminal Code of the Republic of Belarus which would add extra 3-4 years in addition to his sentence. The administration of the colony treats A.Shydlovski's poetry as "appeals to overthrow the constitutional order" as well as "promotion of war" in the country.

It is very surprising that such wordings of the Criminal Code are being heard in the country where constitutionalism is clean forgotten and appeals to fight against enemies are made by none other than President A.Lukashenka personally.

However, such speeches do not stop prison warders. That is why they forbid political prisoners to express their way of thinking and feelings in their poetry.

The administration of the colony does not like also that A.Shydlouski as a student of the journalist faculty has decided not to give up his chosen profession even behind bars; he began to write notations about events which take place in the colony and send them to the independent press. Some of his reports have been already published there and in the paper "Imya" ("The Name") his article appeared after the name of the supernumerary correspondent in the colony №1, Mensk city.

Now Alyaksei is receiving letters from his friends as well as some unknown people: according to his words "not many, in average – a letter per day".

Alyaksei has subscribed to some newspapers apart from his favorite "Nasha Niva" ("Our Cornfield") which he cannot subscribe for lack of money but has the opportunity to read it from time to time owing to his friends.

In the colony A.Shydlouski has become a very popular person and the reason of it – special attention of the supervisors towards him. They are not only aware of that he is a political prisoner but also try to underline this circumstance every time. Alyaksei is being treated with special attention than other prisoners all together in the detachment.

Besides, rumors about Alyaksei, ranging from his personal life to his political future have become an integral part of his live in the colony. The supervisors seem to believe that A.Shydlouski is being loved by all women and according to some other sources he receives for serving his sentence about 2-3 US dollars per day in a special bank account (!) in Poland (!). The administration of the colony is being irritated and envious.

In one of his latest letters to the friends in Mensk, just 2 days before the verdict, Alyaksei wrote that he was very fond of poetry by Polish poet V.Varshal'ski. Here I quote some lines from his poetry:

Do not set the day
of your discharge,
It will pass,
and you will remain.
The dream of yours which
failed to come true –
much worse than bane.
This day will come,
don't think about it,
As you never ponder
over death.
Just let it come
imperceptibly,
All at once.
Like death...

Tattsyana SNITKA

AFTER JUSTIFICATION ... WARNING

The Human Rights Centre "Spring -96" has received an appeal from a resident of village "Vygar", Lagoisk District, Mensk Region – Lyavon Valuy. He said in his letter: During the authorized rally and procession on April 14, 1998 I was carrying a transparency with a map of Belarus depicted on and colored in red and green according to the colors of the official Belarusan Flag as well as a note underneath saying "Firing ground of Russian fascism". I was detained by five men in civil after the procession on a bus stop in the residential area "Paudnevy Zakhad" ("South West"). A record of evidence was drawn up in one of the militia departments as though I was a kind of disturber of the peace. I was incriminated with Article 167/1 of the Criminal Code of the Republic of Belarus. The court trial took place on May 19. But the proceedings against me were dropped through lack of evidence.

However, on July 11, 1998 I received summons to appear in the court on July 13. Mensk city's prosecutor Kupryanynau reversed the verdict of May 19 and a new trial was due to begin. The record of evidence was rewritten and I was incriminated with Article 167/2 of the Criminal Code – detriment of constitutional order.

The trial took place on July 13 (Judge Sevastsaynau) and the Jury passed a verdict of guilty on the ground of damaging constitutional order in Belarus. I was given a warning.

I think that the authorities have established a precedent which bears much threat of reprisal for any demonstrant criticizing the anti-Belarusan regime of Lukashenka.

Lyavon Valuy enclosed a receipt for 1 million Belarusan rubles together with his appeal for covering the advocate's costs.

Perhaps, the state initiated the second trial against the offender of constitutional order just for the sake of bonus, otherwise what for was all that show then? In order to give Leaven Valley a warning!? Or was it for the sake of threatening L.Valuy and other offenders like him? And at the end I would like to thank prosecutor Kupryanau for demonstration of vigilance and persistence in safeguarding constitutional order in Belarus...

"Russian National Unity" has not passed the streets of Mensk...

...Only some deputies have been imposed fines

On July 27 the Belarusians celebrated the Independence Day of their country. On the same day eight years ago the Supreme Soviet of the Republic (which at that time was one of the republics of the Soviet Union) adopted the Declaration of Independence.

Independence is the great value for every nation and the day of its gaining is the main holiday of the people. In Belarus the Independence Day was actually removed after the referendum in November 1996. In fact a holiday with such name still exists in the official calendar of the country. But it has already been the second year that the authorities call the Independence Day another day - 3 July (the date of liberation of Mensk from the troops of Hitler in 1944). The regime is somehow pressing the consciousness of the people willing that for the Belarusians motherland should be associated only with the Soviet Belarus; the liberation from the German fascists should obviously evoke gratitude to Moscow Bolsheviks (the liberation from their powers took place on 27 July, 1991) and help to forget about their policy of ethnocide in regard to the "brothers-Belarusians".

Nevertheless for many citizens of the today Belarus nothing has changed on the schedule of the holidays in spite of the orders of the pro-Bolshevik dictator Lukashenka. Some people celebrate the Holiday of Independence at home not coming out to the streets of the towns. But on 27 July at 18.00 over 5,000 Belarusians came to the demarche organized by the Belarusan Popular Front. Having gathered near the underground station "Akademiya Navuk" the participants of the celebration formed a column and moved along Frantsysk Skaryna avenue on the pavement and one side of the street. The column was headed by the leaders and deputies of the 13th Parliament, the leaders of the opposition parties.

This year on the way to the place of the meeting dedicated to the Holiday everything should have been as usual: if in hot for Mensk 1996 its inseparable part were incidents with the militiamen there recently have been fewer incidents. Only some detentions of the participants by persons in civilian clothes might be expected right after the event. The participants of the action with the national Belarusan flags were approaching Victory Square when all of a sudden something went wrong.

Seven or eight young people in military camouflaged uniform and black trousers were moving along the street on the pavement towards the column and shouted: "Russian order!" Some of them raised their right arms as in familiar greeting in movies about fascists: "Hail!" And actually for those who did not understand one of the camouflaged guys shouted: "We are Russian fascists!"

The situation turned to be a piquant one. (Usually the leaders of Russian nationalists-chauvinists including their affiliations in Belarus like to convince everybody that they have "nothing common with fascism".

(Please, see page 11)

It'll be as it has been before

(continued from page 1)

Only on June 27, 1990 the Supreme Soviet of Belarus adopted the Declaration of Sovereignty and proclaimed its independence. But the actual secession of Belarus from the USSR took place later – after an unsuccessful attempt of the communists to reinforce their power on the territory of the Soviet Empire (so-called putsch of August 1991). Then the Declaration of Sovereignty was given a legislative status and some time later, in December 1991, after the meeting in Belavezhskaya Puscha – Belarus became a sovereign and independent country recognized by other countries in the World. Since then the Republic of Belarus has acquired all attributes of a sovereign state – the National Flag, State Emblem, Constitution and President. In 1994 Alexander Lukashenka became the 1st President of the Republic of Belarus. He came to power proclaiming Belarus' way back towards the USSR. I do apologize for such short digression into modern history of our country but it would be hard to perceive our today's life without these historical excursus. It would be hard to understand that appeals of the opposition to fight for independence, for sovereignty of Belarus are still being heard during its meetings; that numerous political parties, which form the opposition to the President have united under the banner of this idea in Belarus; that people for participation in meetings, devoted to struggle for independence of the country are being detained, beaten or taken into investigation wards and prison.

The situation is both amazing and incomprehensible on the face of it. But if we look back upon the last 4 years of A.Lukashenka's presidency we cannot help noticing that our country has not made a single step forward for this period of time. On the contrary, all these years have been exterminating any manifestation of independence. For the sake of the Soviet past all Belarusan are being exterminated: the historical national flag and emblem have been changed; the true history of the country is being rewritten; the Belarusan language is being discriminated; the date of the country's independence even has been changed. As if for the sake of fun A.Lukashenka fixed the Day of Independence on 3 July – the day of Mensk city's liberation from the German-Fascist occupants – instead of 23 July – the day when the Belarusan Declaration of Sovereignty was adopted. But liberation from the German occupants has become an accession to power of others – Bolsheviks...

Now the fight for Belarus' independence has acquired some new features. A.Lukashenka is striving for the Russian political space. The Union between Belarus and Russia, which is to show the way for the ex-USSR republics towards unification into a single state, has been designed for the sake of A.Lukashenka's ambition.

This Union with Russia, according to the opposition is an actual surrender of the Belarusan sovereignty and statehood. In Spring 1996 there was a new wave of activity from the Belarusan opposition because of protest against A.Lukashenka's policy.

The President of the Republic of Belarus does not stand upon ceremony with his opponents. Numerous cases of violation of human rights have become a common course in our country. Not a trace is left about freedom of speech – the country's mass media: television, radio, newspapers have been monopolized by the President.

At the moment few independent publishing houses left in Belarus are being under threat of closing down. Any criticism against the President is forbidden. It would be qualified as an encroachment on honor and dignity of the President and would inflict a criminal liability.

There is no point in repeating what the Bulletin "The Right for Freedom" has been informing its readers all the time. The most important thing is that the wave of protest has not diminished in spite of reparations. And it promises in its turn that our people would never loose its independence gained 8 years ago and that Belarus would actually become equal among other equal countries of Europe.

Andrei Naliva

Will "Strangers in Civil" be punished?

The incident, which is being examined by Judge Valyantina Kryvaya took place on April 5, 1998, when the pro-opposition youth was conducting a solidarity action together with two young political prisoners in Mensk. That day a rally and procession took place in the center of the city and there was no conflict between the participants and the militia forces. However, no sooner had not an hour passed that some alarming news broke out: ten people were arrested among the demostrants.

A 25 year old Victar Zhagun's was one of the detainees. During his detention by some unknown men in civil Victar Zhagun' was run over by a car and received a head injury. Paying no attention to it the strangers in civil (who arrived even in a car with civil number plates) took bleeding Victar to the militia department. None of the 10 detained people was charged with any offense. In several hours they all were dismissed. But on the next day Victar Zhagun' found out that the incident was by no means over for him: he was fined for infringement of traffic regulations.

Victar Zhagun' appealed against the actions of the militiamen (as we see the strangers in civil turned out to be from the militia) to the juridical and prosecuting authorities.

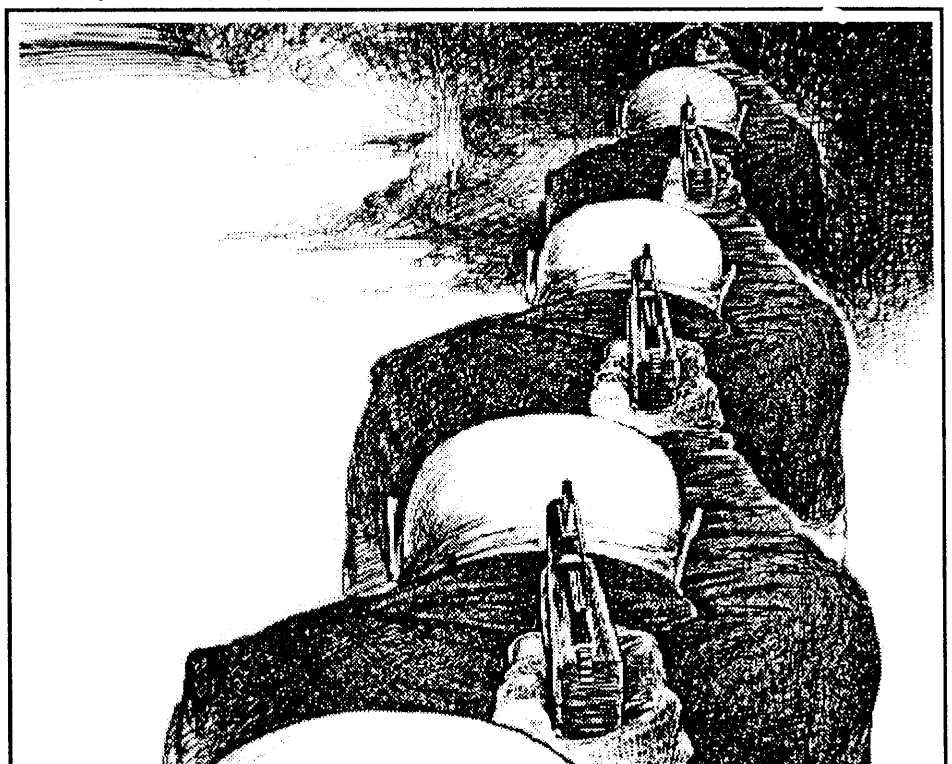
By the time the first court-hearing of Victar Zhagun's case was to begin the Prosecutor's Office of the Central District had declined his appeal. So far as V.Zhagun' appealed to the Prosecutor's Office on May 14, then according to the Law, the reply from the Prosecutor's Office should have come in a month's time – that means before June 14. Late as it was, the reply from the Prosecutor's Office eventually came to V.Zhagun'. The reply was dated by June 26. It seems that the delay in reply was entirely because of the involvement of the militiamen against the pro-opposition citizens. A.S.Rubis, a prosecutor from the Prosecutor's Office of the Central District arrived at conclusions which even under today's existing Belarusan reality seem to be irregular and, perhaps, not easy to come to for an ordinary bureaucrat. We can suppose that the prosecutor had to think first of the consequences before replying to the appeal.

The actions of the militiamen during detention of the young people on May 5 were qualified by the Prosecutor's Office as the breach of acting legislation. The information concerning the incident as it is said in the letter, was sent to B.K.'Tarletsky, the Head of the Department of Internal Affairs under the Mensk City Executive Committee for investigation purposes.

It is necessary to add that this is the first time in Belarus when the representatives of the Department of Internal Affairs have been accused of unlawful actions against differently minded people. As a rule the Belarusan advocates of justice used to accuse namely such people.

There is some room for optimism that lack of rights as well as repression of a different trend of thought will get broken. Sword of Themis has hung poised over the heads of officials from legal institutions. But at the same time there are some fears that this sword will remain hanging poised together with unsettled questions of V.Zhagun's case. Such fears arise after the second successive court-hearing in the Leninski District Court of Mensk.

At this time the officials from the Department of Internal Affairs were summoned to the Court for the hearing of V.Zhagun's case. They are detectives Uladzimir Sharshneu and Alexander Baradouski. At V.Zhagun's petition, Uladzimer Labkovich, one of the detained people was also subpoenaed as a witness. Both the militiamen told that on May 5 they were standing guard over the peace and order at the place of indignation action and received directions from the heads of the Mensk City Department of Internal Affairs to detain the offenders. They could not specify what kind of offenses the detainees committed but as A.Baradouski said: "There is always room for offenses". The detectives care less who commits offenses and according to V.Sharshneu it is better to address such questions to his colleagues with video cameras who register all rallies and processions on video tape. The witnesses – militiamen took part in catching the demonstrants on May 5 wearing civilian clothes.



They neither denied that they were in civil nor confirmed that treated people harshly during detention. U.Sharshneu claimed that whilst detaining U.Labkovich he personally introduced himself and showed him his identification card. U.Sharshneu also identified V. Zhagun' as a man who was run over by a car. As far as A.Baradouski is concerned, he failed to recognize V.Zhagun' from the very first. Only when the Judge reminded him about the accident with a car he finally did it. The militiamen with one accord said that straight after the accident they rendered first aid to the injured and called for an ambulance. They kept on saying that they never detained V.Zhagun' and paid attention towards him only when heard him scream at the moment of collision with a car. What happened to the people they had detained they said that did not have a clue because it was none of their business.

According to another witness – Uladzimir Labkovich, the rally and procession of May 5 went on without any breach of the peace: he personally witnessed as a militia lieutenant – colonel, who was standing nearby the demonstrants all the time, approached the organizer of the action – V.Kanapatski and informed him that they had no claims against the procession. U.Labkovich recollected also how V.Zhagun' was pushed by someone onto the carriage-way and was knocked down by a car.

Then V.Zhagun' in handcuffs as well as the witness were taken into the car. The militiamen believe that U.Labkovich could not see all that. According to their words, they had detained U.Labkovich in a civilized

manner before the incident with V.Zhagun' took place. Although U.Labkovich was saying that he was the last one to be detained.

There seem to be very strange correlations in the evidence of the militiamen and the witness U.Labkovich. In spite of being recognized by the militiamen, U.Labkovich, on the contrary does not seem to remember them detaining him. U.Sharshneu and A.Bardouski are on the list of witnesses concerning the criminal case of V.Zhagun's detention. Though V.Zhagun' himself is not sure whether these two detained him. Who could it be then? Whom is V.Zhagun' obliged to for having been knocked down by a car, for the received injures, for having been made guilty for all that?

Just as we expected neither A.Bardouski nor U.Sharshneu could know that. According to their evidence, the militia group of men in civil was combined on the day of procession and consisted of the militiamen not only from the Department of Internal Affairs of the Mensk City Executive Committee but some personnel from District Departments of Internal Affairs of Mensk City as well.

Thus, a complicated task for justice as a whole and for Judge Valyantsina Kryvaya in particular has arised. One thing is clear that in order to punish offenders it is necessary to find them first. The Judge decided to suspend the trial for several days and addressed to the Department of Internal Affairs.

We can only guess what way the Head of the Department of Internal Affairs Barys Tarletski will choose: either to lend justice a helping hand or, on the contrary, to defend very dubious reputation of the department he is in charge of. On the one hand B.Tarletski will have to punish his aides for overstraining their efforts (the incident described here is a common case and cannot be described as the most brutal example of the militia's everyday practice).

On the other hand, the courts' word is law with the militia to say nothing of its verdicts and appeals for help. So the militia is likely to look either for offenders or scapegoats.

Yana ZHDANOVICH

The Followers of Dzyarzhynski and Shydlouski?

The first ones lay themselves out in order to find the others.

In Belarusian towns the peace keepers are engaged in familiar to them business: the struggle against graffiti is still on. In fact, not against all graffiti depicted on walls, but those ones which may encroach upon Lukashenka and his "comrades". In June the proceedings were brought in against two young Belarusans in Mensk who were accused of expressing opposition thoughts by means of graffiti. However, we are not talking about anti-Lukashenka's slogans in this particular case: there was none of the words similar to the words like "dictatorship" and "president" as well as any names written on the wall. There were no any other words, even a single letter, the accused could have composed a sentence!

In the morning of June 2 the young painters, Mensk city's residents 24 year-old Igar Korsak and 18year-old Pavel Silivonchyk were about to go for an outing to a storage lake situated nearby Mensk. No sooner did they leave home than the militia patrol was interested in them.

The youngsters were detained and taken into the Leninski District Department of Internal Affairs and stayed there until the evening. They were interrogated all that time. The boys underwent psychological pressure and in case with Pavel Silivonchyk, physical pressure as well (he was intimidated and threatened by the militia baton). The detained were accused of depicting the signs of "Bely Legion" ("White Legion") organization and according to the militia such signs were depicted in several places: on a bus stop, on the edifice of everyday repairs and other services, the booth of a electric power substation.

In the evening the boys were brought home by the militia and their houses were searched in the presence of witnesses. The militia claimed that they had found some leaflets of "Bely Legion" during the inspection.

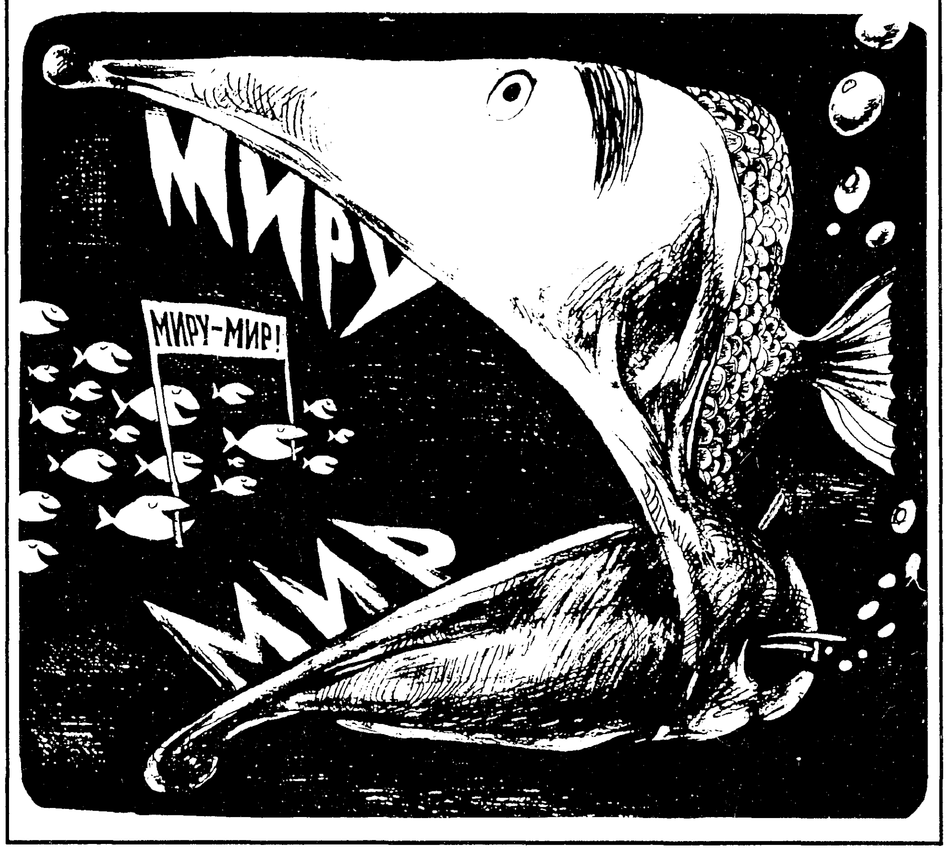
First I.Korsak and P.Silivonchyk were accused of damaging the state's property. But in connection with a lack of evidence, Igar and Pavel were supposed either to repaint the damaged walls and booth at best or to pay fine at worst. By the way, the accused agreed to compensate damage from the very beginning. And as for the evidence concerning allegations that I.Korsak and P.Silivonchyk were depicting the signs of "Bely Legion", there was only one statement from an anonymous well-wisher who professed to have seen them do it.

The KGB began to tackle the case straight after the boys had been dismissed by the militia. The sign of "Bely Legion" used to give rise for ancient knights to fight against their enemy and today it is nothing more but just a flourish for the majority of people.

On July 27 Igar Korsak and Pavel Silivonchyk were charged with Article 201/2 of the Criminal Code of the RB – ruffianly behavior.

Apart from being accused of inscribing graffiti they were also charged with glueing leaflets on streets. In addition the investigation authorities did not tell where these leaflets were glued exactly. It looks as though that the special services tried to do their utmost in order to execute new military orders of the "Commander-in-Chief". Quite recently the President of the Republic of Belarus expressed his opinion that the Belarusan opposition was uniting its forces, that The West had been generously supporting them and that something similar to October revolution was being planned for forthcoming autumn.

The Head of state is going to fight against this revolution just like one famous literary character – against windmills. Any person, who observes more or less attentively the course of events in the country, knows that plans to remove A.Lukashenka from his position by means of a revolution do not exist. But after the leave of Western ambassadors from Belarus A.Lukashenka and his aids seem to be striving to become heroes – fighters again.



Nothing has been heard about "Bely Legion" for the last year and a half. And now it is being made by the authorities one of the main enemies of the state. It looks as if the boys would become the subject to suspended sentence as it happened with two students convicted for inscribing "Live Belarus" at the beginning of last summer. Nevertheless, there is no point in trying to predict anything in the country where decision is made by one man.

Y.Z.

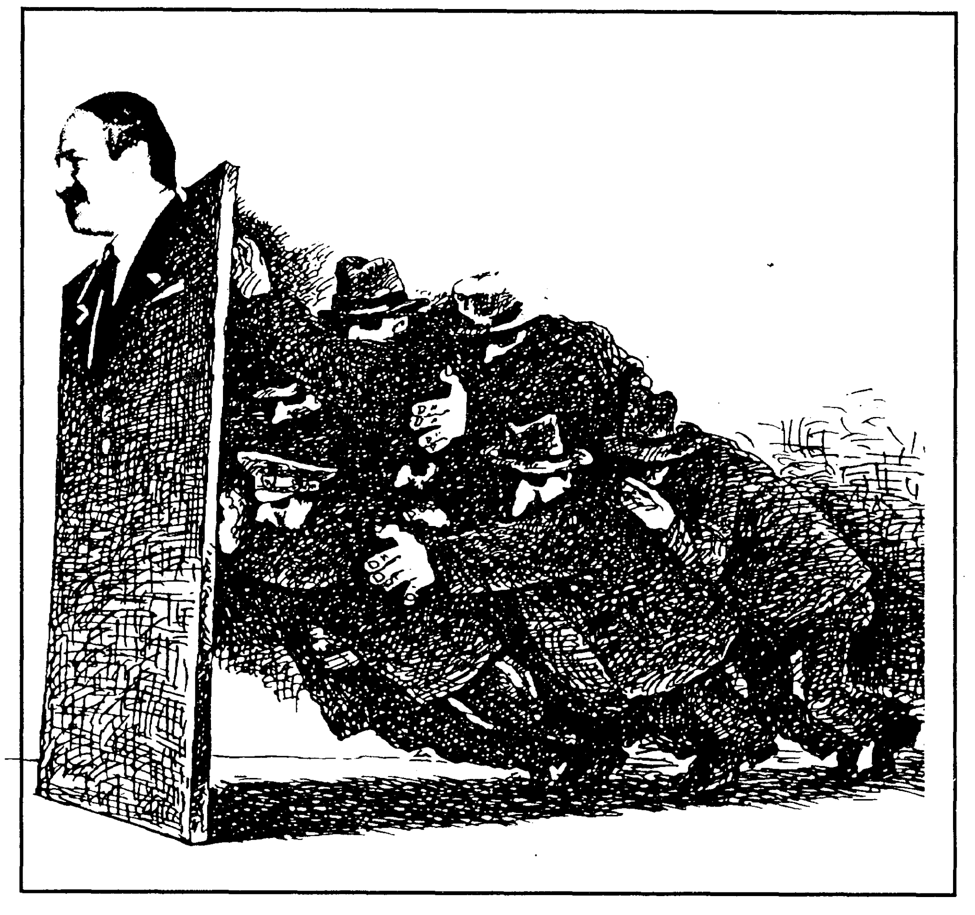
Is Constitutional Court alive?

The Constitutional Court has declared that Article 246 of the Administrative Code does not comply with the Constitution. According to the Article any administrative detention, check of personal belongings and expropriation of documents can be appealed against in the higher or prosecuting authorities. The Constitutional Court has ruled that impossibility to appeal against such sanctions is a major violation of human rights.

According to the Administrative Code a person who breaches legislature is the subject to detention. If such detention takes place it must not exceed 3 hours since the person has been identified. In some cases the legislature envisages detention up to 10 days. This can be for example an illegal crossing of the state border or, as it is common in Belarus, a participation in an unauthorized political action, when its participants maybe taken in custody until the administrative court trial begins.

Before, if an official made a mistake while detaining a person, his actions could be appealed against in the prosecuting authorities. "This provision of Article 246 breaches the Constitution (Article 25 ... "A person in custody has the right to appeal against his detention or arrest" and Article 60 says "Everyone is protected against violation of personal freedom and rights by a competent, independent and unprejudiced law court ...") and international acts, in particular, the Declaration of Human Rights. On May 14 the Head of state addressed the Constitutional Court with request to examine lawfulness of Article 246 of the Administrative Code. It took one month for the judges to examine this issue. 11 ministries and departments, replying to the appeals of the Constitutional Court, supported the opinion, made by the presidential lawyers, and agreed to some necessary amendments to this Article. In presence of public representatives and journalists the court satisfied the President's request. Now, if an unsanctioned detention or examination of personal belongings takes place, it is possible not only to submit a letter of complaint to the militia or prosecuting authorities, but to appeal against it in a law court.

The state authorities treat this decision as a great achievement in protection of human rights. It goes without saying that any changes for the best regarding any improvement of human rights in the country are most welcome. But we must not forget about some nuances which exist in the Belarusan legislature either.



Do our law courts have enough independence in order to protect constitutional rights of the people? The answer is well-known.

So far Article 266 of the Administrative Code remains untouched. According to this Article, every citizen, who has undergone some administrative liability has the right to appeal against in the higher authorities as it is stipulated by the Criminal Code. The verdict of the Administrative Judge is a normative act. This also contradicts to the Constitution and international acts. The Constitutional Court fails to notice such a breach in the legislature. It is also strange that the President addressed the court with such trifle questions instead of the parliament. There is an impression that some President's lawyers specialize only in finding little faults and breaches in the legislature in order to add some work for the Constitutional Court. And for the time being no one pays any attention to the President's decrees and orders which do not comply with the Constitution and violate human rights.

Pyatrus' Bortnik

Priest, or Vilian...

On August 18, 1998 at 10 a.m. the proceedings against Bishop of the Belarusan Autocephalos Orthodox Church Pyatro Guscha will begin in the Sovetski District Court of Mensk.

In 1995 Pyatro Guscha appointed and blessed Archbishop of World American Patriarchy Yuri Ryzhy as a priest of the Belarusan Autocephalos Church.

Many people think that the main reason of Pyatro Guscha's arrest is that the Belarusan Autocephalos Church is not subordinated to the Moscow Patriarchy.

Pyatro Guscha was arrested on March 6, 1998. He was accused of masturbating for 40 minutes in the kindergarten before children's eyes – there were some adults who witnessed the scene and called for the militia.

On that very day Pyatro Guscha was incriminated with Article 118 of the Criminal Code of the Republic of Belarus by the prosecutor's office of the Sovetski District Court of Mensk. He was accused of licentious actions in respect to under age children. Afterwards Pyatro Guscha was charged with Article 201/1 of the Criminal Code of the RB – malicious hooliganism.

It became known during investigation that Pyatro Guscha had been previously convicted 2 times. First time he was convicted for committing a property larceny and the second time for rape. He was also a patient of hospital for mental diseases.

Pyatro Guscha himself called these facts as «falsification of some events in his biography».

A public committee for defending P.Guscha was created after his arrest. The members of the committee appealed to the people of «good will» and reminded about P.Guscha's contribution towards renaissance of the cathedral in the village of Semkau Garadok: «At this very moment, when the builders are ready to climb up the walls of the cathedral, the prosecuting authorities have falsificated a criminal case against Bishop P.Guscha in order to hamper the reconstruction works».

The residents of villages Semkau Garadok, Semkava, Chuchany spoke in support of Pyatro Guscha. They were also convinced that the case against him was falsificated.

In his letters from the investigation ward P.Guscha confirmed that "dark forces" were aiming at compromising the idea of renaissance of the Belarusan Autocephalos Church.

The League of freedom to sex minorities ("Lyambda") was created at the beginning of July. The purpose of the League "Lyambda" is to unite all representatives of sex minorities (gays, lesbians, bisexuals and transsexuals) and other people for spreading the idea of tolerance, protection of human rights and interests, support of sex minorities and victims of AIDS, conduction of publicity against AIDS, destruction of existing in the Belarusan society stereotypes about such people. The founders of the new organization handed the statutes to the Ministry of Justice.

Edvard Tarletski, a famous Belarusan journalist, was appointed as a chairman of the League and agreed to give an interview to our publication.

EDVARD TARLETSKI:

"WE SHOULD GIVE A CHANCE TO EVERY INDIVIDUAL AND TO THE WHOLE SOCIETY..."

– After the news broke out about creation of a new organization there were a lot of opinions that the Belarusan people were not ready to speak about and discuss the problems of sex minorities.

– If we do not prepare our people, they, probably, will not be ready for that in 100 or 200 years' time. I very much regret that such organization was not established in Belarus earlier, at the beginning of 90-s, as it happened in some former USSR republics. The people were really bold at that time because Article 119/1 of the Criminal Code – envisaged a prison sentence up to 5 years for having homosexual relations. Only in 1989 about 189 people were taken in prison in the USSR. The KGB had a special department for prevention of homosexualism. By means of blackmail they recruited agents among gays and used them for spying on people of different trend of thought. I know only one incident, when in 1992 in Belarus there were some people who dared to talk about it. They were the journalists of newspaper "Sex-anti-AIDS-plus". That lasted not long. The second issue of their publication was banned and the proceedings were brought in against the editorial staff.

The reason for closing down the paper and bringing the charges against the journalist was – placing addresses of gays and lesbians on pages of the paper. The prosecutor's office treated that as pimping. The proceedings went on for two years and came to a halt. The editor-in-chief of this publication R.G., avoiding persecution, ceased his publishing business.

– But, as far as I know, the Supreme Soviet annulled the provision of Article 119/1 of the Criminal Code on March 1, 1994.

– That's true, but very little has been changed since then. An underground gay disco appeared in Mensk. The authorities are still afraid because there is still plenty of intolerance and homophobia among the people. The representatives of sex minorities are even afraid of asking the legal institutions for assistance. There is some evidence when people are discriminated and persecuted because of their sexual orientation. Quite recently, a former resident of Mensk city 19 years old Raman begged for asylum in the USA just because his parents tried to cure him by means of shock therapy. In May 1998 a resident of the town of Mar'ina Gorka, Mensk District – an employee, became redundant because his wife rang up to his administration and said that he was a homosexual. In July 1998 the administration of the National (State) Belarusan radio and television company forbade the authors of TV program "The Royal Hunting" to use the material which had been prepared in advance about the artists participating in show "Singing Queens" for a simple reason that they were gays. That is all the most threatening demonstration of hatred in everyday occurrence. At the moment a substantial report on the situation concerning human rights of sex minorities in Belarus is being prepared by us, which will be handed to some concerned state and non-state institutions.

– And what is the attitude of state bodies towards your problems?

– It is not clear yet. Although it is possibly to judge by their indirect attitude. The militia and the prosecuting authorities very often pay no attention to the statements made by gays regarding the cases when they get robbed or beaten.

(please see page 12 – 13)



Sometimes it is difficult to agree with an aphoristic remark of one famous film character that a "villain must get in prison". The crux of the matter is not the lack of honesty, malicious disobedience or, if we can say, reluctarce to acknowledge justice. Try to interpret this abstract postulate into "the Belarusan language" – or to be more precise, into the language of today's Belarusan realities.

A real, arrant villain can escape getting into prison in our country. As a result, another man will get there instead of him.

Courts in Belarus, according to our knowledge of life, may differ a lot from each other... But, it is not all yet.

A man should not only sit in prison in Belarus but also lie there sometimes. In the true sense of the word: Bedridden and trying to understand own guilt because all colonies and prisons in Belarus are still considered to be correctional by nature.

Themis with a Scythe in Hands

At the end of July the Chygunachny District Court of Gomel passed a verdict of guilty to defendant Tamara Korbut, who was accused of large scale financial machinations. For example, chief investigator of T.Korbut's case A.Y.Shapira in his reply to the letter of the Belarusan League of Human Rights quoted the amount of losses caused by machinations which was estimated at 14 360 USD, 20 000 DM and 3 196 500 BLR. According to the evidence of investigation there were also about 327 people who suffered from it. After all the court condemned Tamara Korbut to 7 years of imprisonment in the colony of strict regime.

Now we know neither all circumstances of T.I.Korbut's case nor the details of investigation. The little information which is available can lead to different questions and speculations. It is difficult to define how fair and objective the jury's verdict was as well as the degree of T.Korbut's guilt. Today the jury will have this on their conscience. But if we assume that "a villain must get in prison" then it concerns every villain, not just the one who is less protected against punishment.

Tamara Ivanauna was arrested in her private flat on November 13, 1997. She worked as an accountant in the department of Traffic Inspection and had connections with the Gomel based fund "The Children of Chernobyl" with Genadz Karetski in charge. The accusations made against T.Korbut were in connection with the fund's activity. The people who were responsible for organizing children's trips abroad for rehabilitation accepted bribes. Later the chairman of the fund would confirm that he was absolutely unaware of such precedent taking place and denied all allegations of accepting bribes himself.

Anyway, T.Korbut got to the Gomel based investigation isolator №3 in autumn 1997. The elderly woman with "a bunch of illnesses" could not bear living conditions in the ward. She became paralyzed. You'd think that a person in such hopeless state of health would be taken immediately to hospital regardless of the degree of crime committed. Far from it. Tamara Ivanauna stayed in the ward.

Another 11 prisoners began to bang at the door demanding attention towards the seriously ill woman. T.Korbut was taken to hospital eventually. The rest of the ward's "inhabitants" for initiating the riot were taken to the punishment room.

In protest against such conditions the woman went on hunger-strike several times. The longest one lasted for two weeks. Only then the prison's administration rushed on T.Korbut's rescue –feeding her by force.

The relatives of Tamara Ivanauna tried to achieve some improvement in conditions of her imprisonment several times. They suggested that T.Korbut should give a written undertaking not to leave place instead of prison arrest. Is there any chance for a bedridden person to escape investigation? According to T.Korbut's daughter – Iryna, her mother had no intentions to conceal herself but also was going to compensate the losses to those who suffered from it. For that reason Iryna asked the prosecuting authorities to take her mother to hospital for speedy recovery and return to work. Otherwise there was no other way of doing it: the family of T.Korbut simply did not have the money considered to be misappropriated by her. The daughter could hardly find some money to cover the advocate's costs: Iryna is a student and all their property is distrained.

Furthermore, the paralyzed woman was in need of looking after. Otherwise she was bound to have different exacerbations apart from physical and moral sufferings. Nevertheless the conditions of imprisonment for the seriously ill woman remained intact. T.Korbut spent 7 months out of 8 – bedridden.

This is how chief investigator of the Chygunacny District Court of Gomel explains the situation: during investigation a petition was submitted to the prosecuting authorities asking to take T.Korbut under home arrest instead of the investigation isolator, but the court denied it on the grounds of heaviness of crime committed as well as the resolutions of medical commission of the Gomel Region Department of Internal Affairs, the results of psy-

chiatric examination and opinion of the doctor of the investigation isolator №3.

This article was written at the time of the court-hearings. According to the words of chief investigator A.Shapira – "there are no any contradictory evidence or medical reasons for the accused to avoid standing the trial today".

Let us come to the results of "medical examination" of T.Korbut. T.Korbut is a disabled person from childhood . She has coaxial arthrosis – the result of injury during her birth. The doctors suggested many times that she should have an operation but she was afraid of the risk involved. T.Korbut's disability had never been registered officially: she put it off many times and did not get round to it because of her arrest. That is why when she was taken to the investigation isolator her disability was not taken into account. A.Shapira wrote in his reply: "... T.Korbut is not a 1 degree invalid regardless of the illnesses she has..."

Apart from her inherent disability T.Korbut has some problems with bladder and kidneys. And now she is unable to move in addition to it. In such harsh prison conditions her state of health is bound to deteriorate.

The daughter of Tamara Ivanauna was allowed only once to see her mother for 8 S months. The reason for refusals often was the same: the convict is unable either to sit or to walk and there is no special meeting point made for disabled people. After all Iryna began to beseech the chief officer of the investigation isolator to allow her at least 5 minutes for seeing the mother in a corridor. Tamara Ivanauna was brought from the ward on stretches. Iryna saw a horrible picture before her eyes: the catheter was sticking out of her mother's body for taking out urine (T.Korbut was unable to urinate because of diseased bladder and kidneys). All 5 minutes of their meeting the motionless mother was crying and begging Iryna to take her from there to hospital because she could not suffer pain any longer.

The woman, who was together with Tamara Korbut in one ward and dismissed afterwards, told about such incident. Tamara Ivanauna was feeling worse and worse and began to ask for medical help. But in reply she could hear only "wait". The same answer she heard on that very day when she became paralyzed. Another 11 women in the ward were infuriated by such attitude towards seriously ill T.Korbut and began to bang at the door demanding attention from the prison's administration. In the end an ambulance came and rushed Tamara Ivanauna to hospital. However, all initiators of the riot were taken to the punishment room.

For the sake of objectivity it is necessary to add that the doctors of the prison's medical department tried to do something at first. They made some inquires about T.Korbut's health in the polyclinic she used to go. In fact, there is the evidence in the court that T.Korbut despite of being an ill woman is not a disabled person..

But investigator Gramyka who was conducting investigation forbade the doctors to touch upon this subject.

> ***... Every time the defendant was brought to the court-hearings by an ambulance and taken back on stretches in to the "cage" where she was laying bedridden during investigation...***

Thus, it is possible to state at least two reasons for such cruelty towards T.Korbut. Maybe , it was very convenient for investigator Gramyka to conduct inquiries when the defendant was in such unhuman conditions. Or maybe, someone, who is at liberty now and likely to bear some relation to the matter of investigation – hefty money larceny – would prefer T.Korbut to undergo such harsh conditions in prison. Then she would be able neither to defend herself nor accuse anybody else. Why do I have these suppositions? Because there can be only two explanations to humiliation of the person, who is maybe somehow guilty but still a human being. Sadism or intention to make a person shut up. Otherwise Tamara Korbut would be in hospital instead of prison long ago.

And when the prosecuting authorities are aware of some danger that the accused can escape after all, they have the opportunity to guard and keep an eye on such person if necessary. But they "showed false modesty" . Why?

The food given in prison made T.Korbut feel sick. Her relatives asked the prison's administration for permission to bring her milk and vegetables out of regard for her hopeless condition. Nothing came of it speaking least of their request to soften T.Korbut's punishment.

When the court trial began the accused was brought to the court-hearings by an ambulance and taken back on stretches into the "cage" where she was bedridden during investigation. Very often Tamara Ivanauna suffered pain and could not take part in the court trial. She asked to postpone the trial and give her medical service. According to the evidence of T.Korbut's children and the women who were in one ward with her the only means of curing Tamara Ivanauna were aspirin and hydrochloride. And when she refused to take it they injected by force – by binding hand and foot. The court trial was postponed a couple of times for a short while but it did not make any difference. The accused was still brought in the same way – by ambulance.

Once she was taken for the court hearing wrapped up n a filthy bedsheet. Her daughter Iryna could not see such scene as well as her mother's cries – she ran out of the courtroom in tears.

Tamara Korbut has been found guilty and now is facing 7 years of imprisonment. Perhaps for acknowledging her guilt?.. There is practically nobody who can defend the rights of this woman. T.Korbut's close relatives are her daughter and son. The son is away at the moment.

I am far from the idea that we must protect amateurs of people's money and encourage them to do that. By no means! But at this rate punishment should be in accordance with crime committed and, of course, with its motive and causes. Punishment should be fair and judicious.

Let us call things by their proper names. Under today's existing legal system it is possible to punish but nothing can be done in terms of "correction". Several years of imprisonment may become for a convict as capital punishment. It works as a time bomb. Humanely and cheaply.

Antique goddess of justice Themis was pictured by ancient people as a blindfold woman with scales. She was supposed to weigh all pros and cons regardless her sympathy or anti-sympathy towards the parties involved in a quarrel. In modern Belarus Themis most likely has a scythe in hands.

She is like a sudden death and people have no shield against her. That is called the effective fight against criminality. Last autumn President A.Lukashenka said that he announced the war against criminal nature. The President's mass media report about some achievements gained on this direction by indicating how many people are arrested and convicted. There are about 60 thousand people in Belarusan prisons. There is lack of space and money for maintaining these prisons and not only prisoners but prison warders themselves began to talk about it. However, life in Belarus has not become safer. Because the country and the prison is a portrayal of the same system.

Tatttsyana Snitka

A DOCUMENT WITHOUT COMMENTS

"... STAY NEXT TO US"

Confirmed by
Public prosecutor of
Leninsky District Mensk city,
counselor justice
V.S.Zhyk

INDICTMENT

On the criminal case №584298 to charge Silivonchyk Pavel Mikalaevich and Korsak Igar Mikhailavich with the criminal offense according to Art.201, p.2, Criminal Code of the Republic of Belarus.

On June 2, 1998 the criminal case was initiated according to Art.96/1 of the Criminal Code of the Republic of Belarus.

During investigation it was proved that Korsak Igar Mikhailavich committed malicious hooliganism – violation of the peace and public disrespect.

Early in the morning (June 2, 1998, about 5.00 a.m.) Igar Korsak together with his friend Pavel Silivonchyk glued the leaflets of "Bely Legion" "Stand next to us" in residential area "Serabranka" without a slightest reason. Deliberately using aerosol paint and special stencils they drew the fylfot of "Bely Legion" on the metal pavilion of a bus stop nearby building 66/1, Yakubava str., Mensk. The damage to the Department of Road Maintenance of Leninski District, Mensk was estimated at 1.496.000 BLR; the damage to electric transformation devices situated nearby buildings 68 and 123, Plyakhanau Street – 54 338 300 BLR; the damage to the facade of buildings 72/54 and a garage, Plyakhanau street – 480 000 BLR; the damage to a reception paint (trolley-bus), Plyakhanau street – 2 700 000 BLR. The total damage to the property was estimated at 59 314 300 BLR.

Interrogated as the accused in accordance with Art.201, p.2, Criminal Code of the Republic Belarus Pavel Silivonchyk pleaded not guilty and declared that he came to see Korsak (June 1, 1998, 12 p.m.) who lived in Mensk, Yakubava str. He brought a tube with red paint and the leaflets of "Bely Legion". They were walking along the street in the morning (June 2, 1998, 5 a.m.) when the militia stopped them. He couldn't explain why the paint found with them happened to be the same as on the place of incident.

Interrogated as the accused in accordance with Art. 201, p.2, Criminal Code of the Republic of Belarus Igar Korsak pleaded not guilty and declared that in the evening (June 1, 1998) Silivonchyk came to see him and they went for a walk only early in the morning, about 5.00 a.m. They were detained while walking along Plyakhanau str. He couldn't also explain why the paint and the glue found with them were the same as on the place of incident.



Interrogated as the witness militiaman I.M.Balabanovich declared that during the night (June 2) he was on patrol in Leninski District of Mensk and received a radio-information from the orderly officer of the Leninski District Department of Internal Affairs that two boys, one of them dressed in jeans and with hair gathered in a pony tale, were glueing leaflets of "Bely Legion" and drawing something on the wall. He headed towards the allocated address and soon found two boys according to the distinctive marks, he had been given by the orderly officer, nearby 125, Plyakhanau street. The boys were taken to the Leninsky District Department of Internal Affairs.

Despite the fact that they deny accusations, their guilt is proved by:

– reports;

– examination record of the place of incident;

– record of confiscation;

– conclusions of expert №980, 981;

– examination record of material evidences;

– documents concerning material damage.

On this grounds Silivonchyk P.M., born in December 15, 1979 in Mensk, Belarus, citizen of the Republic of Belarus, a third-year student of Glebau Art school, Mensk, single, who has not been convicted in court before

IS ACCUSED of malicious hooliganism, deliberate violation of the peace and public disrespect connected with particular impertinence manifested in glueing the leaflets of "White Legion" "Stand next us" in "Serabranka" residential area (June 2, 1998 about 5.30 a.m.). He did it without any reason, rowdily, accompanied by his friend Korsak I.M. These fellows also used the aerosol paint and the special stencils to draw

the fylfot of "Bely Legion" on the metal pavilion of a bus-stop (building 66/1, Yakubava str.), on the building for electric transformation devices (building 68 and 123 Plyakhanau str.) on the facade of building 12/54, Plyakhanau str. and the garage beside building 68/1, Plyakhanau str., on the reception center (a trolley-bus was used) beside Plyakhanau str.121 with total amount of damage 59 314 300 rbl. The crime is correlated with Art.20/2, the Criminal Code of the Republic of Belarus.

Korsak Igar Mihailavich, born in October 13, 1974, in Mensk, Belarus, citizen of the Republic of Belarus, single, who has not convicted before

IS ACCUSED of malicious hooliganism, deliberate treating the society with disrespect connected with particular impertinence manifested in glueing the leaflets of "White Legion" "Stand next us" in "Serabranka" residential area (June 2, 1998, about 5.30 a.m.).

He did it without any reason, rowdily, accompanied by his friend Silivonchyk P.M. These fellows deliberately used the aerosol paint and the special stencils to draw the fylfot of "Bely Legion". The total damage of their night activity amounts to 59 314 300 rbl. The criminal offense is correlated with Art 201/2 of the Criminal Code of the Republic of Belarus.

The indictment was composed in Mensk, July 30, 1998 and in accordance with Art.207 of the Criminal Code and sent to the Public prosecutor of Leninski district, as well as the criminal case for confirmation and further sending to the Court trial.

Investigator of the Investigation Office of the Leninski District Department of Internal Affairs, lieutenant of militia S.N. Symonik

"Approved" Chief of the Investigation office of the Leninski district department of Internal Affairs lieutenant-colonel of militia L.V. Maksimenka

"Russian National Unity" has not passed the streets of Mensk...

...Only some deputies have been imposed fines

(Continued from page 3.)

That is why in this very case we faced the display of extraordinary extremism from the Russian National Unity, when "real Slavs" do not worry about their image or it might be just a provocation. In fact it is Belarus where Russian fascists have nothing to worry about: the support either real or hidden is available from the authorities...). There were two girls among those young fascists. Uninvited "guests" of the Belarusan Holiday behaved themselves rudely, they had bottles of beer open in their hands and were moving not straight but tight group.

After a pause of astonished silence of the demonstrators one of the women addressed the participants: "Do we allow them to walk on our land?!" - "Shall we fight with them? They are just children," - shrugged their shoulders some men. Someone said that young fascists with such defiant behavior could hardly reach the end of the column peacefully. These words came true very soon. The "camouflaged" started to look for adventures. They were not satisfied with the role of the observers though very noisy. Firstly they found fault with the young man and a girl at the end of the column and then they did not like one man who turned to be the correspondent of the Polish newspaper "Gazeta Wyborcha" Tsezary Galinski. Having announced his intention to put everything in "Russian order" one of the young fascists began to fight against the Polish journalist and unexpectedly for himself he was rebuffed. All young fascists were going to help their friend when the participants interceded for Tsezary Galinski. The fascists were pressed back against the wall of the nearest building, someone called the militiamen and those fascists were detained.

Soon after that there appeared a new joke in the capital: by analogy with the official propaganda that the participants of the opposition meetings are "paid dollars" the citizens of Mensk were telling each other that this time "even the militiamen were paid dollars". There was no information about the future of the detained. Perhaps the militiamen did not punish them and moreover did not deliver to the militia department. The same thing had happened the year before during "Chernobyl Rally", when the demonstrators seized and handed over to the militiamen several provocateurs who were breaking the show-windows of the shops along the avenue. During the same event this spring the regime of Lukashenka arrested after the meeting and held tens of Russian anti-fascists in investigative wards.

The celebration of the Independence Day turned out all right this time. No one was detained. At the meeting which was held at the Paryzhskaya Kamuna Square different people addressed the participants. Among them deputy of the 12th Parliament Valyantsin Golubeu, deputies of the 13th Parliament communist Valery Shchukin and member of the United Civic Party Anatol Lyabedzka, Deputy Chairman of the Belarusan Popular Front Yury Khadyka, one of the leaders of the "Youth Front" Alyaksei Yanukevich and others. The meeting was conducted by the vice-chairman of the 13th Parliament Genadz Karpenka.

The meeting ended with songs. The authors Alyaksei Galich and Alyaksei Fralou performed their own songs. More than ten people climbed the stairs in front of the Opera Theater and gathered around the microphone and all the participants started to sing "All-powerful God"...

The absence of the arrests on the day of the action does not mean that the regime forgot about the existence of different thoughts. Right on the 27 July the court of the Maskouski district of Mensk imposed fines in the amount of 12,5 mln. Belarusan rubles on the leaders of the United Civic Party Stanislau Bagdankevich and Alyaksandar Dabravolski. On 23 June when the National Assembly listened to the reports of the most devoted to the president assistants on the human rights S. Bagdankevich, A. Dabravolski and two more deputies - A. Lyabedzka and P. Znavets came to the streets of Mensk with the posters. All of them demanded to discharge their colleagues-deputies of the 13th Parliament Andrei Klimau, Uladzimir Kudzinau and Valery Shchukin (the latter at that time was serving a 10 days sentence for the support of Klimau). Now S. Bagdankevich and A. Dabravolski were pleaded guilty for the organization of the demonstration without sanction. The judge on this case was Zhanna Lyavitskaya. As it has been recently introduced in Belarus the witnesses were the militiamen.

It is expected that in the near future the authorities will remember brave civil deed of the deputies Pavel Znavets and Anatol Lyabedzka who tried to protect their colleagues: today in Belarus the authorities turned conscience and honesty of some people the means for the state budget.

T.S.

Realities of the Belarusian province: if you want to work – be obedient

Vasil Aleinikau lives in the town of Dzyatlava, Grodna Region. Since 1991 he has been the Leader of district organization BPF (Belarusan Popular Front). He worked for "Agricultural equipment and machinery" organization in Navaelnensk, a former deputy of Navaelnensk Executive Committee. From 1994 he undertook business activity. Together with his wife they took on lease premises for the shop called "Krynitsa" in Dzyatlava. They traded in basic commodities, in particular food: tea, sweets, chewing gum ... In other words, just like everywhere.

However, there was one thing in this country which differed from other things. Inside the shop there were the historical white red-white Belarusan flag and National Emblem still hanging on the wall regardless of the referendum of 1996 (when the state emblem and flag were changed and some were available for sale also. In fact, the shop became a place of meeting not only members of local organization BPF, but also ordinary people who did not accept today's democratic changes in the Belarusian society. In other words – dissidents.

The local authorities did not like that. The district administration undertook some revision inspections and when it did not work they employed the most simpliest way to confront the dissidents. On April 28, 1997 deputy chairman of the District Executive Committee A.M.Ivanashka together with director of the District Hygiene and Epidemiology station N.V. Malashchanka came to the stop. In presence of customers A.Ivanashnka ordered Vasil Aleinikau to take the flag and emblem off the wall and shelves. Vasil Aleinikau explained that the shop was private property and only he was to decide what to have inside there. He also added that no one had abolished the historical flag and emblem and would never do it.

Then A.Ivanashka became furious and shouted that he would not tolerate the "fascist attributes" in the center of the town. He immediately ordered the director of Hygiene and Epidemiology station to carry out an inspection of the shop in such a way that it would cease its existence.

The sanitary inspectors examined the shop 3 times and worked out the conclusion which was handed to the District Executive Committee. On December 19, 1997 the District Executive Committee during its sitting made a decision to deprive Vasil Aleinikau of his license

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"We should give a chance to every individual and to the whole society..."

(Continued from page 7)

There are some facts when the young men (suspected to be gays) during their medical check for military recruit have been sent to a psychiatrist for consultation.

In the army any unconventional relations between men are considered to be a violation of the Army Regulations and inflict penalty. In prisons and colonies homosexuals become the subject of speculation, blackmail and extortion. There gays and lesbians are the least protected people. The punishing authorities use such people in order to gain some necessary information. Prison warders and supervisors encourage other prisoners when they humiliate gay prisoners. Only when the League becomes officially recognized we will be able to fully cooperate and with state institutions in order to assist them more professionally in solving problems concerning sex minorities. That also concerns science and education. The Belarusans should not be bigots in this respect. By the way, that is exactly what the "Conception of school education" is offering and which is being examined by the Ministry of Education for 3 years now.

In order to perceive the problem it is necessary to have the right scientific approach to the matter. For example, in the capital of Belarus psychology as a subject and as a science is taught in three universities: the Belarusan State University, the Belarusan Pedagogical University and the European Humanitarian University. The curriculum of these universities even does not cover the problems of sex minorities. Although, for example in the Belarusan Pedagogical University students are supposed to attend lectures (70 hours) on psychology. In special laboratories of the European Humanitarian University the problems of homophobia or sex minorities are not studied at all.

– You mentioned about science and education. Does that mean that the League will be fulfilling educational function apart form legislative one?

– Perhaps, it is maybe the right time now when we can declare about ourselves and our role in the society. Probably, this is the right time for psychologists, sociologists, lawyers too in order to gain new knowledge to begin to tackle issues regarding unconventional sexual orientation and to find the right answers to these problems.

– Some people say that there is no point in paying so much attention towards gays, lesbians, bisexuals because there are not many of them.

– And who counted them? Maybe there are 100 or 500 thousand or a million of them in Belarus. But on the other side if there were 50 of them, would not it be useful to try to solve their problems and protect the rights of such a small group? In order to know the exact figures it is necessary to conduct some research in this particular field. That is what the League is about to do as well. Professional sociologist will conduct such investigation by means of methods of American psychologist Alfred Kinski. In 1948 this scientist published the results of his research and according to them about 37 per cent of the American men being of age had some homosexual relations with ejaculation. At that time



to trade, which had been previously given to his wife – Galina Smyk.

So the Aleinikaus were not only bereaved of their business activity but also the means for existance.

Vasil Aleinikau and his wife Galina Smyk were left without work. At present they are still being unemployed.

Vasil Aleinikau tried to find a job several times but so far without success. People know about his public activity and occupation, opposition views and the attitude from the local authorities towards him but they are afraid to get in trouble themselves. The town of Dzyatlava is not Minsk (former deputy cannot find a job even there). Vasil and Galina agree to any work, but...

Apart from that the Aleinikaus have 3 children – of 7, 16 and 20 years old (the eldest son Dzyanis is a student)...

Here is such story which happened in a small Belarusan town.

The moral is very simple and instructive: if you want to survive in the Belarusan province you have to be "like everyone else" and must forget about your loyalty to the national history. Otherwise you will find yourself without work.

Our correspondent

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the American people used to look upon homosexualism as a disease or something abnormal. The fact that the third of the American men had homosexual experience was like a shock which the American society has not recovered from yet and probably will never do. Much of the findings cannot be overestimated. These figures challenge all modern theories about homosexualism as a weird anomaly. On the grounds of this research new methods have been worked out and according to them a number of homosexuals in a society can range from 10 to 15 per cent. I am sure that the truth which the Belarusan people will get to know when it is published, will help them to become more tolerant and it will be much easier to solve the problems of sex minorities.

– What else is the League of freedom to sex minorities planning to implement apart from what has been already said?

– There is still plenty to be done in this direction. The Bulletin "ADMOVA" ("Rejection") is about to be published. It is going to be the first special publication for sex minorities. I hope that it will become a serious and popular-scientific magazine one day. Some preparations are being made for opening the center of psychological and juridical assistance to sex minorities.

Being under constant pressure and experiencing hostile attitude towards themselves these people go through psychological trauma and are in great need of some professional assistance from people they can trust. Whilst protecting their rights we hope to establish cooperation with other legal or human rights institutions which have greater experience to share. That is, first of all, the Human Rights Center "Spring-96". Now we are rendering some help to a group of enthusiasts who would like to found a club for the parents of gays and lesbians. We are also conducting an anti-AIDS compaign at the moment. According to the world experience, united gays and lesbians can achieve a lot. They help our society to achieve the balance.

– You often mention about AIDS whilst speaking of your aims and tasks. Aren't you afraid that some people, who are little informed or of little education, will regard you all as the main spreaders of this disease?

– Our people are well-informed that the virus is generally spreaded among drugs-addicts. According to the statistics the majority of them belongs to conventional sexual orientation. But regardless of orientation or opinions many people are left face to face with their own problems. And is it normal, that in the country where according to the UN experts' estimation there are 18 thousand people (!) affected by AIDS, almost nothing has been done to stop spreading the lethal disease? If we speak in terms of the legal language there appear to be not only violation of the right to health but also the right to live. So far it is impossible to cure AIDS, however, to receive some treatment is possible, but not in Belarus. Abroad this will cost you from $8000 to $100000. Going back to the problem of AIDS we were least concerned that sex minorities belonged to the group of risk but were mainly guided by the thought: if we don't help and understand the problems of these poor people who will do it then? We should convince the majority that first of all the people of immoral behavior and way of living become victims of AIDS. And we should not console ourselves in respect of our tolerance. Unfortunately, we will be still witnessing of how people will be fired from work or deprived of their houses just because they have AIDS.

Thus, by means of creating such organization we aimed to give a chance to every individual and to the whole society so they could rehabilitate themselves in their own eyes and in the eyes of each other.

The interview conducted
Krystyna Lyaskevich

Politics Facts Comments

(continued from page 1)

July 2 – International organization "Human Rights Watch" issued a report concerning situation with human rights in Belarus. The report suggested that the state authorities should free all political prisoners, ban all unlawful arrests and detentions of children under age and conduct investigation on the basis of evidence concerning assault and oppression of the opposition.

July 3 – activists of "Charter – 97" initiated an indignation action in support of all Belarusan political prisoners. With a transparency "Freedom to political prisoners" they marched across the central part of Mensk attracting attention of the city's residents and guests.

July 8 – advocate Alyaksei Filipchanka from Novopolotsk who defended the case of pensioner A.Voranava (the city's administration wanted to expropriate unlawfully a part of her flat) tried to commit a suicide in protest against corruption of local juridical and prosecuting authorities. In front of the building of law court he poured over himself petrol and when the militia attempted to catch him he set fire to himself. With severe burns the advocate was taken to hospital. According to the doctors there was practically no chance for him to stay alive.

July 8 – newspaper "Narodnaya Volya" ("People's Will") informed that the administration of technical school in Mar'ina Gorka was trying to expel its pupil – Zmitser Vaskovich for bad behavior. Z.Vaskovich is being currently under investigation for taking part in actions of protest in Spring 1998.

July 12 – citizen of the Republic of Belarus, Tatar by origin, Sofu Alim was beaten during his detention and later in a prison ward. He was taken to hospital with diagnosis of head, brain and other injuries.



July 13 – the second court trial against L.Valuy took place. For participation in the rally and procession in support of political prisoners he was charged with Article 167/2 – damaging constitutional order in Belarus. Judge Sevastyanau on the ground of the charge sheet gave L.Valuy a warning.

July 15 – a picket took place in Vitebsk in support of western ambassadors accredited in Belarus. Members of the board "Vybar" ("Choice") of the Belarusan Popular Front U.Pleshchanka i B.Khamaida carried transparencies: "Nobody has ever disgraced the Belarusans to such extent as A.Lukashenka" and "President! Return the ambassadors of Western countries to Mensk". In 40 minute the militia stopped the picket. A charge sheet was drawn up on U.Pleshchanka and he was accused of organizing the unauthorized picket.

July 15 – a picket in support of western ambassadors accredited in Belarus took place in Magileu. Picketeers held slogans: "Mr.President, you'd better tackle prices", "Disrespect to diplomats – Disrespect towards us". After the picket Head of Magileu based organization BPF A.Fedarau was warned by the militia and was due to come on the next day to the Central District of Internal Affairs for submitting a charge sheet concerning the unauthorized picket.

July 16 – the European parliament passed a special resolution about human rights in Belarus in which it urged President A.Lukashenka to follow the Vienna Convention of diplomatic relations. It was also said that permanent violation of human rights was a common practice in Belarus.

July 17 – the letter of resident V.Valadarski, from the town of Kalinkavichi was published in newspaper "Narodnay Volya" ("People's Will") in which he wrote about some cases of anti-Semitism in the town and indifferent attitude towards it from the side of local authorities.

July 19 – a picket in protest against violation of the Vienna Convention by the President of Belarus and eviction foreign ambassadors from their residences. The picketeers carried a transparency: "President, fight with prices, not with ambassadors".

In July – reorganization of the Belarusan Humanitarian Lyceum took place. Thanks to pickets and other actions of protest the pupils and their parents managed to defend the Lyceum. However, Director of the Lyceum U.Kolas was dismissed from his position by the Ministry of Education.

July 22 – during a song festival "Slavyanski bazaar" in Vitebsk members of the opposition U.Pleshchanka, B.Khamaida and Y.Karpau were detained by the militia. The reason for their detention according to the militia was: child's abuse.

They were kept in custody until late and then freed without any explanations.

July 27 – a procession, organized by democratic parties on the occasion of 8th anniversary of Declaration Sovereignty took place. The demonstrants were assaulted by a group of youngsters who represented the "Russian National Unity" organization. Two neo-fascists were taken to the militia department.

July 27 – in the town of Dzyatlava, Grodna Region, militiamen V.Bagadzel, L.Makarchyk and Pavachka came to leader of local organization BPF Vasily Aleinikau and accused him of illegal publishing of the Bulletin "Nasha Prauda" ("Our Truth"). V.Aleinikau was taken to the militia department and was kept there until 7 p.m.

July 18 – in the morning V.Aleinikau was arrested nearby local bakery-shop. The same happened to editor-in-chief of the Bulletin "Nasha Prauda" M.Gryshan in the town's market. A charge sheet was drawn up on them and they were charged with illegal publishing and distribution of the bulletin.

July 31 – newspaper "Zvyazda" ("Star") published an article written by the teacher of school №84 in Mensk city L.Sinkevich about abolishing the Belarusan Language by the school's administration and switching to the Russian language.

July 31 – advocate A.Filipchanka, who committed a suicide by burning himself in protest against willfulness of local authorities, died in hospital because of severe burns.

The measure of the detention is a written undertaking not to leave a place

A beautiful example of how the Belarusan authorities treat young opposition can be the case with Z'mitser Vas'kovich from Maryina Gorka.

On April 2nd, on the day of the so called unification Belarus and Russia this 16-year old boy was detained in Mensk by the militiamen who beat him and accused of hooliganism. After that the boy was placed into the special reception and distribution center where he was given nothing to eat for three days. After the relief the teenager spent about a month at a hospital with the diagnosis of "acute condition of stomach ulcer".

The people were even more surprised with the fact that the Procuracy of the Sovietski district of Mensk instituted proceedings against Z'mitser Vas'kovich according to Article 201 of the Criminal Code after the teenager refused to give evidence against the leader of the "Youth Front" Pavel Sevyarynets.

About a month ago the independent press disseminated information that the investigation on the case of Vas'kovich had been terminated and the case itself had been terminated. However this news does not correspond to the facts. It is doubtful whether the journalists invented the story about the termination of the criminal case against Z'mitser Vas'kovich. It is most likely that the source of such information was the investigation department itself.

The case with the young member of the opposition received unpleasant responses for the authorities. The mother of the teenager says that they kept her son in the special reception and distribution center just to allow all the bruises partially disappear.

Soon after the discharge from the hospital Z'mitser together with his mother was summoned to the session of the commission for the problems of the minors of Pukhavichy district where the young patriot was reminded of the necessity to obey law. The commission could not answer the teenager's question what exactly delinquency he committed. The mother was warned that she "did not perform her parent duty to bring up her son patriotically". The teenager was registered at the militia department. Then there appeared information that the criminal case against Vas'kovich had been terminated.

Several days earlier the same commission punished another young member of the opposition from Maryina Gorka. Stsyapan Kulchanka was imposed fine in the amount of 5 million Belarusan rubles for the same protest against the unification of Belarus and Russia.

Vas'kovich's mother tried to appeal to the court with the suit to compensate the cost of the jacket that had been torn by the militiamen. It seems that such cases have never been accepted by Belarusan courts. But another complaint of the mother was accepted. In her letter to the Procuracy the mother of the opposition member was outraged by the actions of the militiamen in investigative ward where her son had been beaten and had been given nothing to eat. The famous investigator I. Golubeu personally delivered the answer of the Procuracy to Maryina Gorka.

According to the answer this state authority "had conducted corresponding inquiry and did not find reasons to respond to", (in other words the Procuracy denied the fact of beating and starving the teenager). The answer of the Procuracy to the complaint of the solicitor Vera Stremkouskaya who defends Z. Vas'kovich looks more cynical. The procurator told Stremkouskaya if she had seen the beaten Vas'kovich at the militia department she "had to render first aid to the detained".

During his visit to Maryina Gorka investigator Golubeu informed Z'mitser Vas'kovich that the chosen measure of detention for him was a written undertaking not to leave a place.

Together with Pavel Sevyarynets Z'mitser Vas'kovich is prosecuted for burning down the Russian flag and derangement of the concert at Yakub Kolas square on April 2 this year.

Andrei Nalibok

Life in the cemetery...

I was passing via some burial-ground in Mensk. When I stopped for a minute by the grave where the mother of Yanka Kupala was buried, I saw two beggar-women sitting near the church with their palms raised up. I took a banknote from my pocket and handed it over to one of the women. The woman was slightly embarrassed whilst taking the money. I noticed a tattoo on one of her fingers and immediately recognized her. She was the woman whom I saw before in the military cemetery in Berastyanskaya street. Some 10 years ago her beauty could attract a lot of young men. I wonder what made 40 year-old Larysa Artsisheuskaya – that was her, no doubt – come to the cemetery and beg?

The majority of women, who happened to be in prison, are unable to overcome the consequences connected with it when they get out of there. In a great number of cases they join the army of trumps and beggars or get back into prison.

I asked Larysa to tell about her life and also about the colony. And this is what she told me...

Larysa for beating her husband was charged with Article 201/1 – for assault and battery. "He excused me in court, – said Larysa, – but nor did the court. The court never does."

I spent about 3 months in the "Valadarka", first in the investigation ward and later in the ward for convicts. There were a lot of people in the cell and no one was allowed to sleep on the floor. She was unmercifully beaten by the militia during arrest and could hardly stand on her legs.

(please see page 16)

INSIDE THE WALLS OF THE "VALADARKA"

RECOLLECTIONS

One ardent day in August I was walking along the architectural monument of the XIX century – Pischalauski castle – which is situated in Valadarsky street in Mensk. Once I had a dream to look behind its tall walls to appraise at some architectural peculiarities. I did not know then that I would be destined to spend some time there. That happened last year and after that I would never wish even my deadly enemy to have such experience.

There were no any other architectural peculiarities I could remember apart from gray, damp cells and the narrow corridor between them.

All my attempts to find out, where a small, iron-barred window was facing, were in vain.

(Continuation. Beginning in №2 – 3, 5 – 12).

Now I understand the people with bags standing underneath the walls of Pischalauski castle – the main investigation prison in Belarus. And I also understand the people who are there now. Those ones outside are mainly concerned how to pass their little parcels for those who are inside.

The prisoners in their turn are concerned with getting the parcels as quick as possible, so they could avoid eating lenten, stomach-turning even in appearance meal at least for one day.

The prisoners are entitled to one parcel up to 8 kg. once a month. It may contain food but not things.

Quite often prisoners can be deprived of parcels. The reasons for it can be various: for example for talking with prisoners from other cells or making "chif" (strong tea drink) at night. But if you have 50 buck and reliable connections you may just as well have your parcel delivered through "green corridor".

The sun was flooding the towers of Pischalouski castle with light and I engrossed in my recollections again. I thought of unhuman living conditions, the people, with whom I happened to go through all nightmares and strains.

The worst thing is to get into the "Valadarka" during a summer time, when it is very hot outside and there is less than 1 sq.. m. per person in a ward full of people.

After having spent a summer season there a person is likely to catch some infectious and skin diseases.

Nothing else but hell can be compared with such unhuman conditions for people whose guilt is yet to be proved by court. The walls of the "Valadarka" made me understand it all. People get under constant physical and psychological pressure inside there.

And than longer people stay there it makes easier to get out of them evidence you like. That is why you can find a teacher and a recidivist or a deputy of the Supreme Soviet and a killer sitting in one ward. Even if the court proves you not guilty it is almost impossible to get out being in good health. What frightens most of all is that you can never insure yourself against prison in our country.

Mikola KACHAN

LIFE IN THE CEMETERY...

(continued from page15)

Then sentence. They took us out and ordered: "Hands back!". We were searched and taken to the railway station. One very interesting episode happened to Larysa when she was in the colony. One militiaman in civil approached her and asked:

– Do you want to drink?

– Yes, I do! – she answered.

The man took her to the toilet and opened a bottle of "samogon" (home made vodka). He filled in a glass and said:

– Drink!

Larysa emptied her glass. He poured a new one and she drank it again. Something occurred to her: "Why on earth does he stand a treat?" The militiaman simply wanted to have sex with her. He promised to come back in half an hour. Thanks God he didn't. To have sex with militia is the worst thing she could do.

– Although there were some young women who for the sake of a packet of cigarettes could have sex with militiamen – said Larysa, – we called them just "ugly-mugs", however we did not dare to touch them – they were under the militia's protection. I had respectively a good job in the colony. I worked as a seamstress. There was always work around for me so I did not have any problems with food or cigarettes. There are always some unwritten laws in the colony apart from the administrative ones. For example, a person who had some previous convictions would always have the best "shkanar" (plank-bed). Or if you receive a parcel you should share it. Those who don't share will be certainly beaten in order to teach them not to forget it next time.

While Larysa did her time in the colony, her sister (with whom Larysa used to live in one flat) took a tenant and registered him under their address. It is necessary to add that it was done with Larysa's approval. The flat was later privatized and sold with the help of some "well-wishers".

When Larysa came from the colony she turned out to be without any roof above her head.

There was nothing else left for her but to beg in the cemetery during the day and sleep in the basement of the house at night.

But when the basement was closed she had to sleep on a staircase passage. Residents of the house began to call her "rat". Today nobody gives a damn about her.

In the colony people had to respect her and she belonged to so-called "upper class" there. And now while reasoning about her own life the 40 year old woman said: "I'd rather be in the colony than sitting here in the cemetery. I don't mind discipline, searches, anything. Freedom? What freedom do I have here? I wish I could quietly lay down and die. Is this life...?

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